

GLOBAL ENERGY CAPITAL LLC

February 5, 2018

HAND-DELIVERED VIA PRO SE INTAKE UNIT

The Honorable Lorna G. Schofield
United States District Court, Southern District of New York
Thurgood Marshall Courthouse
40 Foley Square
New York, NY 10007

Subject: 17-cv-6990, *Page v. Oath, Inc. ("Oath") and Broadcasting Board of Governors ("BBG")*, Verification of Abuse of Process for Defendant BBG and their Counsel, the U.S. Department of Justice ("DOJ")

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Dear Judge Schofield:

I write pursuant to Rule I(B)(1) of the Individual Rules and Procedures of the Court, regarding essential new information revealed on Friday by an Article I Congressional Committee that significantly helps to further disprove most if not all of the arguments in the cursory 4-page double-spaced memorandum of law submitted by DOJ on behalf of BBG last Wednesday. [Dkt. No. 39, "DOJ Memo"]. Two days after the DOJ Memo, the 4-page single-spaced memorandum by the U.S. House Permanent Select Committee on Intelligence¹ ["HPSCI Memo"] offered a depth of highly relevant evidence that directly contradicts most of DOJ's theories suggested in support of Defendant BBG in this civil action. In particular, the applicability of the sovereign immunity exceptions for the abuse of process in my case as guaranteed in 28 U.S.C. § 2680(h) have been further underscored with the introductory summary of the implications of HPSCI's findings: "(1) raise concerns with the legitimacy and legality of certain DOJ and FBI interactions with the Foreign Intelligence Surveillance Court (FISC), and (2) represent a troubling breakdown of legal processes established to protect the American people from abuses related to the FISA process."

The DOJ Memo reflected a perfunctory review of my pleadings and instead draws from supplementary, inapplicable common law precedent that bears little or no relevance to the devastating torts committed by the Defendants in this case. Each of DOJ's primary haphazard points have been further disproven by the HPSCI Memo as briefly summarized below:

A. Confirmation of FTCA's Waiver of Sovereign Immunity for "Abuse of Process"—

Underscoring the essential defamatory media nexus with false evidence in a federal Article III court, the HPSCI Memo has now confirmed that:

"The Carter Page FISA application also cited extensively a September 23, 2016, *Yahoo News* article by Michael Isikoff, which focuses on Page's July 2016 trip to Moscow. This article does not corroborate the Steele dossier because it is derived from information leaked by Steele himself to *Yahoo News*. The Page FISA application incorrectly assesses that Steele did not directly provide information to *Yahoo News*. The Page FISA application incorrectly assesses that Steele did not directly provide information to *Yahoo News*. Steele has admitted in British court filings that he met with *Yahoo News* – and several other outlets – in September 2016 at the direction of Fusion GPS. Perkins Coie was aware of Steele's initial media contacts because they hosted at least one meeting in Washington D.C. in 2016 with Steele and Fusion GPS where this matter was discussed..."

¹ https://intelligence.house.gov/uploadedfiles/memo_and_white_house_letter.pdf

Accordingly, and in light of these disclosures, the sovereign immunity exemption provisions of 28 U.S.C. § 2680(h) now clearly applies “with regard to acts or omissions of investigative or law enforcement officers of the United States Government.” *Bernard v. United States*, 25 F.3d 98, 104 (2d Cir. 1994).

B. Several Valid Claims Have Been Pled Against BBG – Similar to the HPSCI Memo, HPSCI has begun “phase two” of its investigation which will examine the USG Department responsible for supervision of BBG.² Future discovery in these ongoing proceedings may be reasonably expected to offer further evidence regarding BBG’s defamatory collaboration and marketing arrangements with Oath. (Compl. ¶ 3-4, 57-59, 65-66, 134-135, 138-142).

C. Victim of Defendant-Inspired Terrorist Threats – The DOJ Memo [p. 3] recklessly refers to the terrorist threats against me and associated claims as “facially absurd”. Further underscoring the seriousness of this matter, similar death threats related to the false allegations in the Dodgy Dossier as broadcast by the Defendants beginning in September 2016 have now allegedly been experienced by the Ranking Member of HPSCI in recent weeks as well.³ Similar to the latest evidence presented throughout the HPSCI Memo, benign swatting case precedent has shown similar albeit less clear cut intent to that exhibited by DOJ and the FBI beginning in 2016: “During the course of the conspiracy... participated in, or monitored harassing interstate communications to employers, landlords, families, and friends... with the intent to damage the reputation of those participants”.⁴

D. FBI - The Appropriate Federal Agency for Notice of Initial Administrative Claim, Acting Inappropriately - Given the direct involvement of then-FBI Director James Comey in these illegitimate, politically-motivated warrants, the FBI’s extensive use of a primary defamatory article in this civil action and their failure to respond to my initial administrative claim, the HPSCI Memo further confirms that it was “the appropriate Federal agency” for notification. 28 U.S.C. § 2675(a)

On Friday, a not-for-profit, educational organization added to the Dodgy Dossier Cases by filing a complaint seeking additional disclosure encompassing these “FISA applications submitted to the FISC” and related records. *Judicial Watch Inc. v. U.S. Department of Justice*, 18-cv-00245 (D.D.C., February 2, 2018). This may provide further relevant discovery as well.

Particularly given the growing pool of evidence, I respectfully request that this Court deny each Defendant’s Motion to Dismiss Plaintiff’s Complaint. In the alternative and as a Pro Se Plaintiff, I request that the Court grant leave to amend my Complaint to address any deficiencies identified by the Court, and any other relief this Court deems just and proper.

Very respectfully,



Carter Page, Ph.D.

² Max Greenwood, “Nunes: House panel looking at State Dept. involvement in Russia probe,” *The Hill*, February 2, 2018.

³ Nicole Lafond “Axios: Schiff’s Office Receiving Calls And Death Threats Over Nunes Memo,” Talking Points Memo, January 30, 2018.

⁴ “Individual Pleads Guilty in Swatting Conspiracy Case: Defendant Faces 13 Years in Federal Prison,” U.S. Attorney’s Office, Northern District of Texas, January 29, 2009.

<https://archives.fbi.gov/archives/dallas/press-releases/2009/dl012909.htm>